

SENATE—Tuesday, July 11, 2000

The Senate met at 9:31 a.m. and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Gracious Father, we gladly respond to the admonitions of the psalmist: "Commit your way to the Lord, trust also in Him and He shall bring it to pass, rest in the Lord and wait patiently for Him."—Psalm 37:5. We prayerfully accept the vital verbs of this advice and apply them to our faith today: commit, trust, rest, wait. You have shown us that when we commit to You our lives and our challenges, You go into action to bring about Your best for our lives. Commitment opens the flood gates of our minds and hearts to the flow of Your power to help with people or problems that concern us. We trust in Your reliable interventions to free us from anxiety. When we rest in Your everlasting arms, we experience spiritual resilience and refurbishment. All Your blessings are worth waiting for because nothing else gives us the strength and courage we really need. Thank You for Your faithful reliability. You, dear God, are our Lord and Saviour. Amen.

PLEDGE OF ALLEGIANCE

The Honorable GEORGE V. VOINOVICH, a Senator from the State of Ohio, led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDING OFFICER (Mr. VOINOVICH). The majority leader is recognized.

SCHEDULE

Mr. LOTT. Mr. President, today the Senate will be in a period of morning business until 10:15. Following morning business, a cloture vote will occur on the motion to proceed to H.R. 8, the Death Tax Elimination Act.

VOTE

I ask unanimous consent that the vote occur at 10:15 this morning.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. If cloture is invoked, the Senate will continue postcloture debate on the motion to proceed. The

Senate may also resume consideration of the Interior appropriations bill in an effort to make further progress on that important piece of legislation. It is the intention of the managers of the Interior appropriations bill to lock up a filing deadline for first-degree amendments during today's session.

Senators should expect votes each day this week. Also, we will have late nights to have debate on amendments on the Defense authorization bill with votes on amendments, if necessary, occurring the following morning. I have been assured by the managers of that legislation, Senator WARNER and Senator LEVIN, that we will be working tonight and we probably will have some votes the first thing in the morning on the bill.

I regret that we have to have a vote on the motion to proceed. A good faith effort has been made to work out an agreement on a limited number of amendments, but we have not been able to come to an agreement on that.

It is important that we get to the substance of this legislation—the elimination of the death tax. It is high time we take action on this unfortunate tax provision that has been on the tax rolls since Theodore Roosevelt was President. I know from personal experience that it is having a very devastating effect on small businesses, family farms, and homesteads. I have come across members of families in tears in my own State on finding they had to sell their small business or their farm that has been in the family sometimes for two or three generations because they had to pay this most unfair death tax.

Many commentators seem perplexed, trying to understand why this legislation would have received such overwhelming support in the House of Representatives with an almost unanimous vote among the Republicans and 65 Democrats, from all regions, backgrounds, races, sex, and everything else. They can't understand why it got this very outstanding vote.

The answer is really very simple. First of all, all of us would like to be able to have an estate of some value when we reach the end of our role. We would like to be able to pass it on to our children for the next generation. The idea that the Federal Government would come and reach into the grave and pull back 40, 45, 50, or 55 percent of a life's work offends the American people regardless of financial status. It is a basically and patently unfair tax provision.

I am pleased we are going to move forward this week to get a vote. Of

course, we will have to have a vote on cloture so that there won't be an extended series of unrelated, nongermane amendments or filibusters. But I hope we will get that vote. Then we will get to final vote on the substance. It is long overdue.

I commend the chairman of the committee, Chairman ROTH, and the ranking member, Senator MOYNIHAN, for allowing this legislation to come to the floor today for a vote. Also, again I must express my admiration for the way the House handled this matter.

I understand there will be a period for morning business. Senators are here prepared to speak on the substance of the legislation.

I yield the floor.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, leadership time is reserved.

The Senator from South Carolina.

THE DEATH PENALTY

Mr. THURMOND. Mr. President, it is most unfortunate that the President has decided to delay the first federal execution in almost forty years.

Mr. Juan Garza was a vicious drug kingpin who was found guilty of three murders and sentenced to death in 1993. He was also convicted of various drug and money laundering offenses. Of course, there is no way to know how many American lives he destroyed indirectly through his extensive drug trafficking into this country. He is just the type of criminal that the Congress had in mind when we reestablished the federal death penalty in 1988.

His lawyers are not claiming he is innocent. Rather, they are making general arguments about the fairness of the death penalty, and the President is apparently sympathetic to this.

Over the weekend, the White House confirmed that the President will postpone the execution for at least 90 days and maybe until after the November elections. The reason for the administration has given is that the Justice Department is still drafting formal clemency guidelines. Mr. Garza was sentenced to death 7 years ago, and his case has been tied up in appeals ever since. The Supreme Court decided in November that it would not hear his case, and in May a judge scheduled his execution for August. The Department has had more than enough time to prepare such guidelines.

Of course, the President does not need any special death penalty guidelines to act. The President has the